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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 24-8-2001:—

BILL NO. 192 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. In article 177 of the Constitution,—

Amendment
of article 177.

(i) the words “and the Advocate-General for a State” shall be omitted;

(ii) the words “in the House in which he is not a member” shall be added at the end.

STATEMENT OF OBJECTS AND REASONS

At present, the Advocate-General who is appointed by the Governor shall have the right to speak in and to take part in the proceedings of, but does not have the right to vote in, the House of the Legislature of the State. Since Advocate-General is not an elected representative, it is not proper to confer him the right to speak in and to take part in the proceedings of the House. Whatever advice he would like to offer could be given to the Governor and through the Governor, the same may be passed on to the House. In order to ensure supremacy of the House, it is proposed to omit the provision regarding the powers conferred on the Advocate-General to speak in and to take part in the proceedings of the House.

Hence this Bill.

NEW DELHI;
October 30, 2000.

BASAVANAGOUD KOLUR.

BILL No. 14 OF 2001

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2001.

Short title

2. In article 130 of the Constitution, for the words “in Delhi or” the words “and shall also have a permanent Bench at Bangalore and” shall be substituted.

Amendment
of article 130.

STATEMENT OF OBJECTS AND REASONS

Delhi is the permanent seat of the Supreme Court of India. But in view of the vastness of the country and its population exceeding hundred crore, majority of the people living in States far away from Delhi particularly those from Southern States, are either deprived of their right to seek justice from the highest court of the land or made to incur very heavy expenses in connection with their cases. Besides, mounting arrear of cases in the Court, also cause great hardship to the litigants coming from far away regions like Kerala. This situation has given rise to persistent demand from Southern States for a permanent Bench of the Supreme Court in Bangalore. The Bill seeks to meet this long standing demand of the people of the Southern region of the country.

NEW DELHI;
December 12, 2000.

SURESH KURUP.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a permanent Bench of the Supreme Court at Bangalore. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India in respect of construction of new building, appointment of staff and other establishment expenditure, etc. It is estimated that a recurring expenditure of about rupees three crore is likely to be involved per annum. A non-recurring expenditure of about rupees one crore is also likely to be involved.

BILL No. 15 OF 2001

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 2001.
- (2) It shall come into force at once.

Amendment
of article 217.

2. In article 217 of the Constitution, in clause (2),—
 - “(i) sub-clause (a) shall be omitted; and
 - (ii) in the Explanation, clauses (a) and (b) shall be omitted.”.

STATEMENT OF OBJECTS AND REASONS

Article 217(2) of the Constitution *inter-alia* stipulates that a person shall not be qualified for appointment as a Judge of a High Court unless he has for at least ten years held a judicial office in the territory of India. This stipulation eliminates many legal luminaries, who don't fulfil this condition but otherwise eminent, being considered for appointment as a judge of a High Court. It is, therefore, proposed to remove this condition. The Bill seeks to amend the Constitution to achieve the above objective.

NEW DELHI;
January 31, 2001.

BASAVANAGOUD KOLUR.

BILL No. 20 OF 2001

A Bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- Short title. 1. This Act may be called the Forest (Conservation) Amendment Act, 2001.
- Amendment of section 2. 2. In section 2 of the Forest (Conservation) Act, 1980, after clause (iv), the following proviso shall be inserted, namely:— 69 of 1980.

“Provided that the approval of Central Government shall not be required for deforestation if the forest land to be acquired is for public development works such as construction of dams, roads, drinking water schemes, laying of telegraph or telephone lines or any other development scheme for the benefit of the general public and if the forest land to be acquired for the said purposes is one hundred and fifty acres or less.”.

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 provides that any forest land or any portion thereof may be used for any non-forest purpose provided it has the approval of the Central Government. Due to the provisions of the Act, the developmental activities in the rural areas, especially in hilly areas, have come to a standstill. This Act has proved to be a great hurdle in construction of new roads, dams, canals, bridges or laying of new telegraph or telephone lines, etc. There is great resentment among the people regarding this Central law. Therefore, the amendment of the Act is necessary in order to accelerate the development of the country.

NEW DELHI;
February 19, 2001.

RAMANAND SINGH.

BILL No. 35 OF 2001

A Bill further to amend the Consumer Protection Act, 1986.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Consumer Protection (Amendment) Act, 2001.

(2) It shall come into force at once.

Amendment
of section 2.

2. In section 2 of the Consumer Protection Act, 1986, (hereinafter referred to be as the principal Act) in sub-section (1), in clause (c)—

(a) in sub-clause (ii), the words “including delay in delivery of goods or non-delivery of goods either in full or partly even after lapse of reasonable period” shall be added at the end;

(b) in sub-clause (iii), in words “including delay in rendering services or non-rendering of service either in full or partly even after lapse of reasonable period” shall be added at the end.

Amendment
of section 5.

3. In section 5 of the principal Act, in sub-section (1), for the words “at least one meeting”, the words “at least four meetings” shall be substituted.

4. In section 9 of the principal Act, in clause (a), after the existing proviso, the following proviso shall be inserted, namely:—

Amendment
of section 9.

“Provided further that in a city having a population of more than one lakh according to the latest census, a separate District Forum shall be established”.

5. In section 11 of the Act, in sub-section (1), for the words “rupees five lakh” the words “rupees ten lakh” shall be substituted.

Amendment
of section 11.

6. In section 17 of the principal Act, in clause (a), in sub-clause (i), for the words “rupees five lakh”, the words “rupees ten lakh” shall be substituted.

Amendment
of section 17.

7. In section 25 of the principal Act, the words beginning with “and it shall be lawful” and ending with “sent it to for execution” shall be omitted.

Amendment
of section 25.

STATEMENT OF OBJECTS AND REASONS

The Consumer Protection Act enacted in 1986 suffers from certain loopholes. Some of the existing provisions are cumbersome and the Act is without adequate teeth. The Bill seeks to provide more teeth to the Act and simplify certain provisions.

NEW DELHI;
April 11, 2001.

ANANDRAO VITHOBA ADSUL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Council shall meet at least four times in a year. Clause 4 provides for establishment of separate district forum in every city having a population of more than one lakh. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees fifty crore.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL No. 39 OF 2001

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Cinematograph (Amendment) Act, 2001.

Short title and
commencement.

(2) It shall come into force at once.

37 of 1952.

2. In section 2 of the Cinematograph Act, 1952 (hereinafter referred to be as the principal Act), for clause (dd), the following clause shall be substituted, namely:—

Amendment
of section 2.

“(dd) ‘film’ means a cinematograph film but does not include a programme telecast on television.”.

3. After section 3 of the principal Act, the following sections shall be inserted namely:—

Insertion of
new section
3A, etc.

“3A. (1) For the purpose of sanctioning programmes telecast on television for public exhibition, the Central Government shall establish a Board of Television Programmes Certification.

Establishment
of Board of
Television
Programmes
Certification.

(2) The Board shall consist of a Chairman and six other members who shall be appointed by the Central Government.

Regional
office of
Board of
Television
Programmes
Certification.

Provision of
the Act to
apply *mutatis
mutandis* to
television
programmes.

3B. (1) The Board of Television Programmes Certification shall have regional offices in every State.

(2) The Regional Office of the Board set up under section 3A shall consist of a Director and other members.

3C. All provisions relating to films in this Act shall apply *mutatis mutandis* to programmes telecast on television."

STATEMENT OF OBJECTS AND REASONS

There has been a steep increase in the number of programmes telecast on television channels. The number of channels has also increased considerably over the years. However, virtually, there is no scrutiny by any Government agency having regard to the nature, content and theme of the programmes. Even a cursory scrutiny is not done. As such, many programmes blatantly violate ethical norms. At present there is a Board of Film Certification which sanctions films for public exhibition which are mostly screened in cinema halls. But the programmes telecast on television are not subject to censor or regulation. Programmes exhibiting violence and crime are likely to misguide the youth and children. Children are vulnerable to such programmes and take to violence and crime in many cases.

It is accordingly proposed that a separate Board should be set up to scrutinise programmes telecast on television channels.

Hence this Bill.

NEW DELHI;
April 11, 2001.

ANANDRAO VITHOBA ADSUL.

FINANCIAL MEMORANDUM

The Bill seeks to set up a separate Board for television programmes. There is also a provision for setting up of regional offices. The proposal to establish a Board and regional offices is likely to involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees ten crore will be involved. A non-recurring expenditure of about rupees one hundred crore may be involved.

BILL NO. 71 OF 2001

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2001.

(2) It shall come into force at once.

Insertion of
new sections
298A to 298C.

2. After section 298 of the Indian Penal Code, 1860 the following Chapter and sections thereunder shall be added, namely:— 45 of 1860.

“CHAPTER XVI

OFFENCES RELATING TO ENCROACHMENT ON WAKF PROPERTY

Meaning of
wakf.

298A. In this Chapter, the term 'wakf' has the same meaning as in the Wakf Act, 1995. 43 of 1995.

Punishment for
encroachment
on a wakf
property.

298B. Whoever commits, or is found to have committed as per the provisions of Wakf Act, 1995, encroachment on a wakf property, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. 43 of 1995.

43 of 1995.

298C. Whoever on being ordered under the provisions of the Wakf Act, 1995 to remove any encroachment on a wakf property, fails or omits to do so within the time specified in the order, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

Failure to
comply with
order.

STATEMENT OF OBJECTS AND REASONS

There is widespread and increasing encroachment on wakf properties. Encroachment is committed fearlessly and with almost impunity. Any encroachment on wakf property needs to be viewed more seriously than the provisions of a mere order of removal of the encroachment. This is particularly so because a wakf is a permanent dedication of a property for pious, religious or charitable purpose. An encroachment of wakf property is an offence in the nature of offence relating to religious and an offence against the society.

The Bill seeks to make encroachment on wakf property a criminal offence punishable with imprisonment of either description, or with fine, or with both.

NEW DELHI;
July 11, 2001

G. M. BANATWALLA.

BILL NO. 57 OF 2001***A Bill further to amend the Constitution of India***

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- | | |
|--|----------------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 2001. | Short title. |
| 2. In article 85 of the Constitution, after clause (1), the following proviso shall be inserted, namely:—

“Provided that each House shall sit and transact business for a minimum of one hundred and twenty days in a calendar year.” | Amendment of article 85. |
| 3. In article 174 of the Constitution, after clause (1), the following proviso shall be inserted, namely:— | Amendment of article 174. |

"Provided that the House or each House of the Legislature of States, where the Legislative Assembly consists of more than ninety members, shall sit and transact business for a minimum of one hundred days and where the Legislative Assembly consists of ninety or less than ninety members for a minimum of sixty days in a calendar year."

4. After article 240 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
240A.

"240A. Where a Union territory has a Legislative Assembly, it shall sit and transact business for a minimum of forty-five days in a calendar year."

Session of the
Legislative
Assembly of a
Union terri-
tory.

STATEMENT OF OBJECTS AND REASONS

Over the years there has been a steady decline in the number of sittings of the two Houses of Parliament and that of the State Legislatures. While the first Lok Sabha sat for 135 days in a calendar year, this number has now fallen below one hundred.

The situation in the States is still worse. While most of the State Legislatures meet on an average for between 45 to 55 days, the position in the case of others has been very dismal with this number being as low as seven sittings a year.

This trend to curtail the sittings of Lok Sabha/Rajya Sabha and the State Legislatures is alarming and quite destructive for the growth of a healthy democracy. The present provisions of articles 85(1) and 174(1) of the Constitution only stipulate that six months should not intervene between two successive sessions of the House. A pedantic interpretation of these provisions has led to this fall in the number of sittings of the Houses and the concomitant rise in the cynicism about their relevance and efficacy in the polity. These provisions were perhaps intended to ensure that not more than six months elapsed between the constitution of a House after fresh elections and not to provide for just three one-day session in a year.

To restore the due place of Legislature in our political system and to ensure adequate consideration of the agenda before them, it is imperative to provide for a minimum number of sittings. For Parliament, it should be atleast 120 days, for bigger States 100 days, for smaller States 60 days and for Union territories 45 days.

This Bill seeks to achieve this objective.

NEW DELHI;
July 10, 2001.

PAWAN KUMAR BANSAL.

BILL No. 66 OF 2001

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-Second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2001.

Amendment of
article 189.

2. In article 189 of the Constitution,—

“(i) in clause (3), the following provisos shall be added at the end, namely:—

Provided that the Speaker or the Chairman or any person acting as such, may continue the meeting of a House of the Legislature if a quorum has been made in the beginning of the meeting of the House but subsequently there is no quorum in the House:

Provided further that the quorum shall be compulsory if any question has to be decided by the House.

(ii) clause (4) shall be omitted.”.

STATEMENT OF OBJECTS AND REASONS

At present, when there is no quorum the Speaker or the Chairman or person acting as such shall either adjourn the House or to suspend the meeting until there is quorum. This will affect the business of the House and just because of the absence of few members to constitute a quorum, the entire House cannot be adjourned. Therefore, when once the initial quorum is formed, the meeting should continue until the quorum is compulsory to decide any question.

The Bill accordingly seeks to amend the Constitution.

NEW DELHI;
July 19, 2001.

BASAVANAGOUD KOLUR.

BILL No. 70 OF 2001

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 2001.

Amendment
of first
Schedule.

2. In the First Schedule to the Code of Criminal Procedure, 1973,—

2 of 1974.

(i) against section 354, in column '5', for the word "Ditto", the words "non-bailable" shall be substituted;

(ii) against sections 376C and 376D, in column '5' for the word "Ditto", the words "non-bailable" shall be substituted.;

(iii) against sections 494 to 498,—

(a) in column '4' for the words "non-cognizable", the word "cognisable" shall be substituted.

(b) in column 5, for the word "Bailable", the words "non-bailable" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

For certain offences relating to marriage and rape, bail is given easily to the accused. This encourages cruel people to ignore law and commit heinous crimes. These offences should be made cognizable and non-bailable. Therefore, it is proposed to amend the Code of Criminal Procedure accordingly.

NEW DELHI;
July 24, 2001.

ANANDRAO VITHOBA ADSUL.

BILL NO. 65 OF 2001

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2001.

Amendment
of article 117.

2. In article 117 of the Constitution,—

(i) for clause (1), the following clause shall be substituted, namely:—

“(1) A Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced in the Council of States.”;

(ii) Clauses (2) and (3) shall be omitted.

3. In article 207 of the Constitution,—**Amendment
of article
207.****(i) for clause (1), the following article shall be substituted, namely:—**

“(1) A Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 199 shall not be introduced in a Legislative Council:

(ii) Clauses (2) and (3) shall be omitted.”

4. Article 274 of the Constitution shall be omitted.**Omission of
article 274.**

STATEMENT OF OBJECTS AND REASONS

Parliamentary form of democracy is the best form of democracy. Here will of the people should prevail. Peoples' representatives should have a final say in all matters of the nation.

But certain legislative measures, require prior sanction of the President for their introduction/discussion in the Legislatures. These provisions, though technical in nature, sometimes act as an hurdle in piloting important legislations.

Perhaps the logic behind these provisions was that controversial and draconian laws should not be allowed to be passed with brute majority of the Government. But, there is an absolute change in the political set up in the country. People have more political awareness than ever.

In the changed circumstances, these provisions are no more required to be in statute. Hence amendment to the Constitution. But the provision regarding bar of introduction of Money Bill/Financial Bill in upper House of a Legislature has been kept intact.

NEW DELHI;
July 24, 2001.

ANANDRAO VITHOBA ADSUL.

G. C. MALHOTRA,
Secretary-General.